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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/002,747	01/05/1998	DAVID M. HORNE	111027-150370	8138

31817 7590 03/21/2007  
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EXAMINER
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GHEBRETINSAE, TEMESGHEN

ART UNIT	PAPER NUMBER
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2611

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/002,747	<b>Applicant(s)</b> HORNE, DAVID M.	
	<b>Examiner</b> Temesghen Ghebretinsae	<b>Art Unit</b> 2611	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12,14,16,17,19 and 21 is/are allowed.
- 6) ☒ Claim(s) 1-11,13,15,18,20,22-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. It would be of great assistance to the Office if all incoming papers pertaining to a filed application carried the following items:

1. Application number (checked for accuracy, including series code and serial no.).
2. Group art unit number (copied from most recent Office communication).
3. Filing date.
4. Name of the examiner who prepared the most recent Office action.
5. Title of invention.
6. Confirmation number (See MPEP § 503).

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/23/07 has been entered.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 2,4,7,9,13,15,18 and 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to

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make and/or use the invention. Claims (2,4,7,9,13,15,18 and 20) cite that **“the location of pseudo noise code or spreading code within the codebook corresponds to the value of the information signal”**. However, it is not clear from the specification how “the location (example rows (or table positions) 0-15 from fig.3) of the pseudo noise code within the codebook corresponds to the value of the information signal”.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1,3,5-6,8,10-11,22-26 rejected under 35 U.S.C. 102(b) as being anticipated by LeStrat et al. (5,559,829).

Consider claims 1, 3,5-6, 8,10-11,22-26 as claimed now. Le Strat discloses a method comprising: partitioning a table of spreading codes in to at least two codebooks (family of spreading codes having at least two spreading codes) each having at least two spreading codes; (see col.6, lines 27-31 and claim 10, and 11); assigning (allocating) a first codebook of the at least two codebooks to a first user and assigning a second codebook of the at least two codebooks to a second user (see col.6, lines 32-36, and claim 16, LeStrat discloses allocating a spreading codes to a specific users) ; and spreading a first information signal for the first user with a first spreading code contained within the first codebook and spreading a second information signal for the second user with a second spreading code contained within the second codebook( see

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col.6, lines 62-65 and claims 15-16). LeStrat also discloses spreading a second information signal for the first user with a second spreading code contained within the first codebook (see col.6, lines 62-65). LeStrat also discloses despreading the first information signal for the first user with the first spreading code within the first codebook (see col.6, line 66 to col.7, line 2). The number of spreading codes in the first codebook and in a second codebook (family of spreading codes) is different (two or more for each family) and the spreading codes are orthogonal and are pseudo-noise codes as claimed in claims 22-25 (see col.6, lines 51-54 and col.5, lines 35-36).

7. Claims 1,3,5-6,8,10-11,22-26 rejected under 35 U.S.C. 102(b) as being anticipated by Rice (5,210,770).

8. Consider claims 1,3,5-6,8,10,11,22-26. Rice discloses a method comprising: partitioning a table of spreading codes into at least two codebooks (unique set of spreading code sequences) each having at least two spreading codes; assigning a first codebook of the at least two codebook to a first user (a unique set of spreading code sequences is assigned to each node of the network); spreading the information signal for the first user with a first spreading code contained within a first codebook and the information signal for the second user with a another spreading code contained within a second codebook and despreading the information signal of the first user with the first spreading code within the first codebook. The spreading codes are orthogonal codes as claimed in claims 24-25. The set (or family) of spreading code sequence include two or more spreading codes in each. (See col.4, lines 51-61; col5, lines 41-47 and col.7, lines 63-66)

***Allowable Subject Matter***

9. Claims 12,14,16,17,19,21 are allowed.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temesghen Ghebretinsae whose telephone number is 571-272-3017. The examiner can normally be reached on Monday-Friday from 8 to 6. The examiner can also be reached on alternate.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel, can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T.Ghebretinsae

3/8/07.

Temesghen Ghebretinsae  
Primary Examiner  
Art Unit 2611

TEMESGHEN GHEBRETINSAE  
PRIMARY EXAMINER

3/15/07